

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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**In the Matter of the Complaint and Petition of \*  
Bing Bing Corp., as Owner of the 55' F/V BING \*  
BING (O.N. 583490), Her Engines, Machinery, \*  
Tackle, Apparel, Appurtenances, etc., for \*  
for Exoneration from or Limitation of Liability \***

**Civ. Act. No.: 22-cv-11316-ADB**

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**CLAIM OF KRISTIAN OSTAPCHUK**

Now comes the Defendant/Claimant, Kristian Ostapchuk, in the above-entitled matter,  
and for his claim states:

**General Factual Allegations**

1. The Defendant/Claimant, Kristian Ostapchuk, is a resident of the Commonwealth of Massachusetts.
2. The Petitioner, Bing Bing Corporation, is a corporation, duly organized and existing under the laws of the Commonwealth of Massachusetts.
3. On or about February 1, 2022, the Defendant/Claimant, Kristian Ostapchuk, was employed by the Petitioner, Bing Bing Corporation
4. On or about February 1, 2022, the Defendant/Claimant, Kristian Ostapchuk, was employed by the Petitioner, Bing Bing Corporation, as a seaman, and a member of the crew of the F/V BING BING.
5. On or about February 1, 2022, the Petitioner, Bing Bing Corporation, owned the F/V BING BING.

6. The Petitioner, Bing Bing Corporation, chartered the F/V BING BING from some other person or entity such that on or about February 1, 2022 the Petitioner, Bing Bing Corporation was the owner pro hac vice of the F/V BING BING.

7. On or about February 1, 2022, the Petitioner, Bing Bing Corporation, operated the F/V BING BING.

8. On or about February 1, 2022, the Petitioner, Bing Bing Corporation, or the Defendant's agents, servants, and/or employees, controlled the F/V BING BING.

9. On or about February 1, 2022, the F/V BING BING sank while operating in navigable waters in in normal and expected weather conditions.

10. On or about February 1, 2022, while in the in the performance of his duties in the service of the F/V BING BING, the Defendant/Claimant, Kristian Ostapchuk, sustained personal injuries including without limitation physical injuries, severe fear, anxiety and emotional distress on February 1, 2022 resulting in chronic, permanent and severe emotional distress and injuries.

11. Prior to and at the time he sustained the above-mentioned personal injuries, the Defendant/Claimant, Kristian Ostapchuk, was exercising due care.

### **Jurisdiction**

12. This Court has subject matter jurisdiction over this matter pursuant to The Merchant Marine Act of 1920, commonly called the Jones Act, 46 U.S.C., §30104 , et. seq. (formerly §688 et. seq.).

13. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331, and 28 U.S.C. §1367.

**COUNT I**

**Kristian Ostapchuk v. Bing Bing Corporation**

**(JONES ACT NEGLIGENCE)**

14. The Defendant/Claimant, Kristian Ostapchuk, reiterates the allegations set forth in paragraphs 1 through 13 above.

15. The personal injuries sustained by the Defendant/Claimant, Kristian Ostapchuk, were not caused by any fault on his part but were caused by the negligence of the Defendant, its agents, servants and/or employees.

16. As a result of said injuries, the Defendant/Claimant, Kristian Ostapchuk, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

17. This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act.

WHEREFORE, the Defendant/Claimant, Kristian Ostapchuk, demands judgment against the Petitioner, Bing Bing Corporation, in an amount to be determined by a jury together with interest and costs.

**COUNT II**

**Kristian Ostapchuk v. Bing Bing Corporation**

**(GENERAL MARITIME LAW - UNSEAWORTHINESS)**

18. The Defendant/Claimant, Kristian Ostapchuk, reiterates the allegations set forth in paragraphs 1 through 13 above.

19. The personal injuries sustained by the Defendant/Claimant, Kristian Ostapchuk, were due to no fault of his, but were caused by the Unseaworthiness of the F/V BING BING.

20. As a result of said injuries, the Defendant/Claimant, Kristian Ostapchuk has, suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

21. This cause of action is brought under the General Maritime Law for Unseaworthiness and is for the same cause of action as Count I.

WHEREFORE, the Defendant/Claimant, Kristian Ostapchuk, demands judgment against the Petitioner, Bing Bing Corporation, in an amount to be determined by a jury together with interest and costs.

### **COUNT III**

#### **Kristian Ostapchuk v. Bing Bing Corporation**

#### **(GENERAL MARITIME LAW - MAINTENANCE and CURE)**

22. The Defendant/Claimant, Kristian Ostapchuk, reiterates all of the allegations set forth in Paragraphs 1 through 13 above.

23. As a result of the personal injuries described in paragraph 10 above, the Defendant/Claimant, Kristian Ostapchuk, has incurred and will continue to incur expenses for his maintenance and cure.

WHEREFORE, the Defendant/Claimant, Kristian Ostapchuk, demands judgment against the Petitioner, Bing Bing Corporation, in the amount of \$50,000 for maintenance and cure, together with costs and interest.

WHEREFORE, the Defendant/Claimant, Kristian Ostapchuk, demands judgment against the Petitioner, Bing Bing Corporation, in an amount to be determined by a jury as compensatory damages and punitive damages for failure to pay maintenance and cure, together with costs, interest, and reasonable attorney's fees.

**DEFENDANT/CLAIMANT DEMANDS A TRIAL BY JURY ON ALL ISSUES  
RAISED IN COUNTS, I, II AND III.**

**Respectfully submitted for  
Defendant/Claimant Kristian Ostapchuk  
By his attorneys**

/s/ Carolyn M. Latti  
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Dated: October 13, 2022

**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that on the above date, I electronically filed the above pleading with the Clerk of the Court using CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/Carolyn M. Latti  
Carolyn M. Latti